

ATTACHMENT TO NOTICE OF ALLOWANCE

Applicant's amendment and response received on 9/15/09 has been entered. Claims 1-9, 11-16, 18-23, 29-31, 33-44, 46, 50, 52-60 are currently pending.

The objection to claims 55-59 is withdrawn in view of applicant's claim amendments.

The rejection of claims 1-9, 11-16, 18-23, 29-31, 33-44, 46, 50, and 52-54 under 35 U.S.C. 103(a) as being unpatentable over Song et al. in view of Hedley et al. and Fattal et al. is withdrawn in view of the following examiner's amendment.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Bonham on 12/15/09.

The application has been amended as follows:

1. Claims 1, 29, 46, 50, and 54 have been canceled.

2. In claims 2-9, 11-16, 18, 30-31, 33-37, and 60, line 1, the phrase “claim 1” has been replaced by the phrase -- claim 55 --.

3. In claim 19, line 3, the phrase “claim 1” has been replaced by the phrase -- claim 55 --.

4. In claim 52, lines 1-2, the phrase “claims 1-7, 13-23, 29-31, 33-44, 46, and 50” has been replaced by the phrase -- claims 2-7, 13-16, 18-23, 29-31, and 33-44 --.

5. In claim 53, line 1, the phrase “claims 1-15, 19-23, 29-31, 44, 46, and 50” has been replaced by the phrase -- claims 2-9, 11-15, 19-23, 29-31, and 44 --.

Following entry of this examiner’s amendment, claims 2-9, 11-16, 18-23, 30-31, 33-44, 52-53, and 55-60 are considered free of the prior art of record and allowable.

The following is an examiner’s statement of reasons for allowance: following entry of this examiner’s amendment, all independent claims and therefore all dependent claims recite that the polynucleotide in the transfection agent is not entrapped within said microparticles. In other words, the polynucleotide is completely adsorbed onto the microparticles without being encapsulated/entrapped within. While the prior art suggests techniques in which polynucleotide can adsorb onto a microparticle, see Fattal et al. cited in the 103 rejection of record, there is no suggestion or motivation in the prior art of record, including Song et al., Hedley et al., or Fattal

et al. to transfect dendritic cells with a transfection agent in which all of the polynucleotide is adsorbed onto a microparticle comprising a biodegradable polymer and a cationic detergent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication from the examiner should be directed to Anne Marie S. Wehbé, Ph.D., whose telephone number is (571) 272-0737. If the examiner is not available, the examiner's supervisor, Joseph Weitach, can be reached at (571) 272-0739. For all official communications, the new technology center fax number is (571) 273-8300. Please note that all official communications and responses sent by fax must be directed to the technology center fax number. For informal, non-official communications only, the examiner's direct fax number is (571) 273-0737. For any inquiry of a general nature, please call (571) 272-0547.

The applicant can also consult the USPTO's Patent Application Information Retrieval system (PAIR) on the internet for patent application status and history information, and for electronic images of applications. For questions or problems related to PAIR, please call the USPTO Patent Electronic Business Center (Patent EBC) toll free at 1-866-217-9197. Representatives are available daily from 6am to midnight (EST). When calling please have your application serial number or patent number available. For all other customer support, please call the USPTO call center (UCC) at 1-800-786-9199.

Dr. A.M.S. Wehbé

/Anne Marie S. Wehbé/

Primary Examiner, A.U. 1633